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Federal Communications Commission  
*En Banc* Hearing on  
Equal Employment Opportunity Rulemaking  
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Remarks by Esther Renteria, President  
Hispanic Americans for Fairness in Media

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

Mr. Chairman and fellow commissioners, I commend you for holding this hearing on the vitally important Equal Employment Opportunity Rules for broadcasters and cable companies. Many of us were terribly disappointed when the Court of Appeals struck down the 30-year old rules in April, 1998.

We feel very strongly that until television and cable programs look like America looks, there needs to be a mechanism for change and a reason for broadcasters to use it.

I have had a very long association with the media: As an employee from 1959 through 1983, and later as a community advocate for change from 1986 to the present.

In 1959, I became a newspaper reporter and in 1968 I was recruited by KNX radio to become the first Hispanic woman on their staff. They called three East Los Angeles community organizations and asked for recommendations for a Hispanic reporter and were given my name by all three groups. KNX called me in and offered to pay me twice what I was making in newspapers. I took the job as a news writer and desk editor.

In late 1969, I transitioned to television working as a writer, producer and host on a KCET (PBS) series about Mexican Americans. I thus became the first Latina host of an English language program in Los Angeles and I was told I was the 200<sup>th</sup> woman on the air in the USA.

As you may recall, the 1960s were turbulent years with many Civil Rights issues and some civil unrest. That was a time when few women and even fewer people of color were employed in the media industries. For example, during the Watts Riots of 1965, the *Los Angeles Times* had to instantly promote an African American mailroom employee to reporter to cover the event. I'm happy to tell you he is still a reporter there.

Then came the Kerner Commission and the Christopher Commission Reports, which documented the blatant racism then existing across America. The FCC, among other governmental and private institutions, tried to make the changes called for in the Reports and instituted the Equal Employment Opportunity rules and regulations.

We believe that these rules were very helpful in opening broadcasting to women and minorities in the 1960s and 70s. However, by the middle 80s many station managers had adopted the idea that the EEO rules were no longer necessary and they began to flaunt them. We'll come back to this statement in a few minutes.

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In 1986, after I had spent several years producing public affairs series for KCBS-TV and some Hispanic American themed specials for KCET, I looked around as many others did and saw that the Hispanic American faces were disappearing from LA television.

A few of us got together and founded the National Hispanic Media Coalition in 1986 as a non-profit educational foundation. I worked closely with Armando Duron, the founding chairperson, and in 1990 I succeeded him as the national leader of the group.

As I mentioned before, some general managers were no longer really taking the EEO obligations to heart. In 1988, we met with the general manager of a Los Angeles O & C who later wrote to us saying that because he "didn't believe in Affirmative Action or Equal Employment Opportunity", he didn't need help from the Coalition to find good recruitment sources. Fortunately, his network headquarters did not share his opinion and remembered their licensee promises regarding Equal Employment Opportunity regulations. The next general manager at KCBS-TV was happy to meet with us and reinstitute Equal Employment Opportunity rules at that station.

From 1988 to about 1996, the NHMC filed some 60 Petitions to Deny License Renewals against radio and television stations for the most egregious violations of the EEO rules then in existence at the FCC. We could have filed many others, but our *pro bono* legal counsel had only so much time to give us.

The NHMC would routinely review EEO performance at the stations and we found some very strange things. In one instance we noticed that a New York City station had very, very few minority employees. When we visited the station and asked what newspapers and magazines they used to notify people of job openings, we were told they didn't. They simply posted the job openings on their Employee Bulletin Boards and the employees referred their friends, relatives and neighbors to apply for the positions. That's not Equal Employment Opportunity. The NHMC filed against WNET, Channel 13 in New York and they received a conditional license renewal with serious reporting conditions from the FCC.

We have noticed some backsliding by stations in their EEO efforts since the Appeals Court voided them in 1998 and we find that to be very tragic at several levels. Hispanic American children need to see good role models on television to provide them with job goals and aspirations. Other children need to see good Hispanic American role models because they will be living side by side, going to the same schools and competing against our children in the future. No child should be left behind, nor made to feel inferior by the careers and jobs he or she sees available. Kids need something to aspire to; some goal to work toward, if they are to successfully contribute to the American society.

I left the NHMC in 1999 and founded Hispanic Americans for Fairness in Media which attempts to work cooperatively with radio and television stations and film companies to list their job openings on our free website, [www.LatinoCareers.org](http://www.LatinoCareers.org)

We then attempt to match Latino (and other) applicants to the jobs available. We've had some success, but not yet to the level we hope to reach. That will change as the employment/financial situation at stations improves. We also provide scholarships to students who are studying for careers in the media industries. We enjoy the support of many station general managers on our Corporate Advisory Board.

There are some very enlightened general managers who have found good business reasons to adhere to EEO policies. In Los Angeles, KABC's Arnie Kleiner manages the most employee diverse station and regularly gets the best ratings for local newscasts and local shows. Kleiner is also quick to point out that his station "has not had to change its hiring standards one bit" to do the right thing. "You just cast the nets wider", he notes.

John Reardon, general manager of KTLA also wins timeslot ratings for his morning news and 10 p.m. broadcasts, which feature anchors and reporters of many ethnic backgrounds.

In Los Angeles where the community is 45 % Hispanic American; 10.5 % Asian American and 9% African American, and only 35.5% Anglo Saxon, a station without diversity in its on-air staff is hard put to generate good ratings. Some companies still don't get it, however, and their managers come and go with great rapidity.

Nationally, Hispanic Americans account for 12 to 14% of the United States population, depending on whom you ask for the data. But you wouldn't know it by looking at television or listening to radio. We are not there. Neither are Asian Americans or Native Americans.

The latest study by Children Now shows that networks "have lost ground in diversifying the prime time picture. In key areas, the prime time picture has gotten worse since the networks made their promise to diversify three years ago. The Fall 2000-2001 sitcoms were the least diverse of the last three seasons, and the eight o'clock hour was less diverse than last season.

"The time period in which children are most likely to tune in continues to be the least diverse hour of prime time television.

"Latinos remain severely under-represented on prime time. While Latinos make up 12% of the U.S. population, they account for only 4% of the total prime time populace. Further, Latinos are over-represented as unskilled laborers, service workers and criminals."

The report goes on to declare that "When looking at primary recurring characters only, there are significant decreases for Latino Americans from 4% to 2%."

This information is in Children Now's third annual report. It agrees with the countless other media studies including the new UCLA Study, the past Screen Actors Guild study, the AFTRA study, the Writers' Guild Study and many, many others.

We all know what the problems are; we just have no power to solve them. We think that part of the problem is that the FCC does not license the networks. The old EEO rules applied only to the individual stations through out the country. Perhaps some mechanism needs to be in place with regard to the networks and Equal Employment Opportunity Rules.

In the 1960s the United States government entered into a settlement agreement with the film studios which mandated that they recruit, hire and train minority group actors, writers, producers for the business. Unfortunately that agreement was allowed to lapse in the 1970s.

Most of the networks own movie studios and vice versa so it would be interesting to see what effect a new agreement would have on television programming. We think it would quickly diversify.

We applaud your December 2001 draft of Equal Employment Opportunity Rules in this proposed Rulemaking.

We feel that oversight of the broadcasting industry is definitely a federal responsibility since broadcasters are essentially "migrant workers" who go from city to city, state to state as they move up to bigger media markets and more remuneration and responsibility.

We disagree with your thought that stations with less than five employees or cable systems with less than six employees be exempted from the new EEO rules. You are totally right in your statement that these small venues provide entry-level jobs and hands-on experience that is vitally important for youngsters entering the broadcast industry. But how will people of color know of these job openings unless the stations are required to do formal EEO recruitment?

If America is truly to be the land of opportunity for everyone, then we need to level the playing field by adopting these Equal Employment Opportunity Rules to give everyone an equal chance to compete.

Thank you.